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# Board of Funeral Services Conseil des services funéraires

A N N U A L R E P O R T

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## BOARD MEMBERSHIP

The Board of Funeral Services was established by the *Funeral Services Act* in 1976 to succeed the Board of Administration which had a history dating back to 1914.

The *Funeral Directors and Establishments Act* requires that the Board shall be composed of eleven members, five funeral directors and five public persons and one person who is either a funeral director or public member. All members are appointed by the Lieutenant Governor in Council.

### MEMBERS OF THE BOARD OF FUNERAL SERVICES - 1992

Chair	Andrew Doyle	Ottawa
Vice-Chair	David Lester	Cobourg
Past-Chair	Barbara Beck*	Peterborough
	Gary Carmichael*	Toronto
	Pearl Davie*	Hamilton
	Alex Mansfield*	Mississauga
	Gordon Monk	Minden
	Alex Munroe	Toronto
	Doug Porter	Toronto
	Stephen Speisman*	Thornhill

\* Denotes Public Member

### BOARD STAFF - 1992

Registrar	Alison M. Reynolds
Executive Secretary	Susan J. Beck
Administrative Inspector	Sheila M. Nunn
Inspector	Melissa I. Bak
Secretary-Bookkeeper	Regina Bergin
Secretary-Receptionist	Michelle Irwin

### LEGAL COUNSEL

Donald Posluns	Porter, Posluns & Harris
Richard Steinecke	Barristers & Solicitors

### AUDITOR

John Mayhue	Harris & Wright
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## FUNCTIONS OF THE BOARD OF FUNERAL SERVICES

The *Funeral Directors and Establishments Act* establishes a self-governing body to administer the Act and regulate the practices of funeral directors, funeral service establishments and transfer services in accordance with the Act and the Regulations in order that the public interest may be served and protected.

The Board is responsible for the review of the operation of this Act and the Regulations and for making recommendations to the Minister of Consumer and Commercial Relations thereon. The Board approves or sets courses of study and examinations for the qualification of applicants for licensure.

The principal object of the Board is to regulate the practices of funeral directors and persons who operate funeral establishments and transfer services in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

The Board's additional objects are:

- To establish, maintain and develop standards of knowledge and skill among funeral directors and persons who operate funeral establishments and transfer services,
- To establish, maintain and develop standards of qualification and standards of practice for funeral directors and persons who operate funeral establishments and transfer services,
- To establish, maintain and develop standards of professional ethics among funeral directors and persons who operate funeral establishments and transfer services,
- To administer the Compensation Fund,
- To oversee and inspect trust accounts that funeral establishments and transfer services are required by law to establish or maintain,
- To mediate complaints between consumers and licensees, and
- To establish and develop standards for funeral establishments.

The *Funeral Directors and Establishments Act* establishes five standing committees - Executive, Licencing, Complaints, Discipline and Compensation Fund Committee.



## REPORT OF THE CHAIR

ANDREW DOYLE

As Chair of the Board of Funeral Services it falls to me to reflect on the annual activities and future direction of the Board.

It is a unique experience to serve on this Board and meet with public, professionals and staff members who take their responsibilities so conscientiously. I am indebted to all for the competent, efficient and caring manner in which they carry out their responsibilities.

The Act oversees services provided for approximately 70,000 deaths in Ontario annually. Its administration might reasonably be expected to give rise to some complaints arising from lack of communication, improper procedures, or honest mistakes but it is disheartening to acknowledge that we have had to deal with several serious breaches of trust, involving Funeral Establishments and a Transfer Service.

It is hoped that working with all concerned in the Funeral and Transfer Service sectors, we can address this disturbing crisis of ethics, professionalism and business practices which oftentimes ignores a common high standard of excellence.

The indifference to a common high standard does a disservice to the public and all licensees and when added to the routine duties of the Board places a heavy burden on its investigative, legal, financial and committee resources.

Again this year we are operating with less than a full complement of board members which places additional pressures on some. The Ministry is aware of our concerns and hopefully will anticipate the need for renewals or replacements of current members in June 1993.

The Board has committed to a Performance Review of its activities to be undertaken jointly by the firm of Price-Waterhouse and staff of the Ministry of Consumer and Commercial Relations. We look forward to this appraisal being completed early in 1993.

We are pleased that in the current year the Ministry brought forward amendments to the regulations which clarified some areas of uncertainty and provided for a fee increase which will better allow the Board to fulfil its mandate.

Owing to financial constraints in the current year, the Board has been unable to maintain the inspection staff it feels necessary to carry out a desired level of inspections. We look forward in early 1993 to hiring a new inspector and resuming a more active inspection level.



I believe licensees, the public and government are looking for more openness on the part of the Board. We are committed to sharing when possible as much as possible in the hope that a blend of knowledge and facts will bring about a more reasoned, less cynical appreciation of the Board's activities. The Board holds uppermost the maintenance of integrity, fairness, and the public interest.

The Board has been active in the area of record-keeping. In April, the Board held a public hearing, 383 on licensing offices and record-keeping, 383, on all the other tasks that are the responsibility of the Board.

During the 1981-82 year, the Board continued its regular routine inspections of financial books.

Inspections are now announced and cover the financial and facilities and books, accounts and financial records pertaining to previous contracts. In the right course of time we have inspections and audited by a third party auditor. This audit is performed. In addition to a thorough inspection of the books to ensure that requirements under the Financial Director and Treasurer are being fulfilled there is an inspection of a random sample of the past financial books both those accounts at the time of audit and those that were pre-audited. A sample of general contracts is selected for appropriate database and valued as to price and savings. Database this information will be obtained from the institutions where the previous books might be deposited.

300 routine inspections were carried out during the past year. In 95 of these inspections problems of varying kinds were found and I requested the return of the responsible general director to the Discipline Committee for a hearing.

The inspection and subsequent disciplinary procedures demonstrated that there are still some directors who do not or will not understand or respect the Financial Director's function. The institution can no longer be called "our" and given the educational institutions the Board has been unable to file a complaint for disciplinary hearings when it has been up to 12 months.

We were grateful that the Minister of Consumer and Commercial Relations showed several amendments to the regulations during the year. To highlight a few, it was in the public interest to widen the regulations so they relate to limitation of contracts, delegation and the role of consumer services.

The regulation benefited from the relaxing of the requirement that there must be audits, changes to the requirements for insurance could and the allowances for centralized record-keeping.



## REPORT OF THE REGISTRAR

ALISON M. REYNOLDS

There were approximately 1,480 working days for the Board staff in the 1991-92 year. Of these, 31 were spent in resolving issues for the public, 253 were spent on inspections, 161 investigating matters for discipline, 73 at discipline or Commercial Registration Appeal Tribunal, (C.R.A.T.) hearings, 363 on licensing matters and the remainder, 599, on all the other tasks that are the responsibility of the staff.

During the 1991-92 year, the Board continued its regular, routine inspections of funeral homes.

Inspections are always unannounced and cover the premises, equipment and facilities and books, records and trust accounts pertaining to prepaid funerals. A thorough system is used so that inspections are conducted in a consistent manner throughout the province. In addition to a thorough inspection of the premises to ensure that requirements under the *Funeral Directors and Establishments Act* are being fulfilled, there is an inspection of a random sample of the past funeral files, both those arranged at the time of need and those that were prearranged. A sample of prepaid contracts is checked for appropriate details, and valued as to principal and accrued interest. Bank confirmations are obtained from the institutions where the prepaid trust funds are deposited.

123 routine inspections were carried out during the past year. In 95% of these inspections problems of varying kinds were found and 4 warranted the referral of the responsible funeral director to the Discipline Committee for a hearing.

The inspections and subsequent discipline proceedings demonstrated that there are still funeral directors who do not or will not understand or respect the *Funeral Directors and Establishments Act*. The legislation can no longer be called "new" and given the educational opportunities the Board has made available to the profession, little leniency is being shown to those who are not in compliance.

We were grateful that the Minister of Consumer and Commercial Relations brought forward several amendments to the regulations during the year. To highlight a few, it was in the public interest to amend the regulations as they pertain to itemization on contracts, delegations and the role of transfer services.

The profession benefitted from the relaxing of the requirement that trust funds be audited, changes to the requirements for selection rooms and the allowance for centralized record-keeping.



The amendment requiring a Public Accountant to annually prepare a report on trust funds created some confusion within the profession. In response, assisted by the Board's own auditors, a sample report was designed and distributed to all funeral homes. In addition, the Institute of Chartered Accountants of Ontario began preparation of an Information Memorandum for its practitioners with funeral director clients.

The 1991-92 year was one of austerity for the Board staff. Two matters, a large and lengthy discipline proceeding and an unusually lengthy hearing before the Commercial Registration Appeal Tribunal, (C.R.A.T.) played havoc with the budget for legal fees. Consequently, staff were asked to cut expenditures. The financial statements attest to the success of their efforts and I wish to congratulate the staff for not only their success but the co-operative spirit with which they approached the project.

In response to the Board's financial constraints, the Minister approved a fee increase. In return, the Board agreed to undergo a procedural review and at year end the staff were eagerly anticipating the commencement of the review.

There were two staff changes during the year. We were pleased to welcome Sue Beck and Michelle Irwin to the staff.

It is always gratifying when one of the calls from a member of the public - or perhaps a letter, of which we receive many, is saying "thanks for helping". Our role is important and Board members and staff should be proud of the role they play.

Funeral service in Ontario is changing. The past year saw the number of transfer services in Ontario increase to eight. A casket store opened in Toronto.

Cambrian College received approval for the development of a funeral service education program for French speaking students. Board staff is working closely with the staff of Cambrian College as the program is developed and established.

Annually, the office handles 1200-1500 calls from the public. These exchanges prove that the innovations we are seeing in funeral service do not threaten those who provide traditional funerals but rather complement them, ensuring an option for those desiring an alternative kind of service.



## REPORT OF THE COMPENSATION FUND COMMITTEE

PEARL DAVIE - CHAIR

During this period the COMPENSATION FUND COMMITTEE was composed of:

*	Pearl Davie, Chair	
	Lise Mallette	(Nov.1/91 to May 22/92)
	Andrew Doyle	(Nov.1/91 to Sept.15/92)
*	Alex Mansfield	(May 1992 to Oct.31/92)
*	Doug Porter	(Sept.1992 to Oct.31/92)

\* indicates current members of this Committee.

Meetings of the Committee were held in the months of November 1991 and in January March, May and September 1992, with further consultations by telephone [both fax and voice calls] and by mail.

Determination of pay-outs on defalcations were based on the requirements of the legislation and previously agreed criteria. The audited financial statements show pay-outs totalling \$146,690.00 which indicate the real need existing for a Compensation Fund for the consumers in Ontario.

Administration costs included the general daily administration of the funds by the Board of Funeral Services staff, and office, the Canada Trust Trustee fee, the Harris and Wright audit charge, and legal fees related to the funds by Porter, Posluns and Harris, totalling in all \$14,380.00 which is approximately 3.5% of the total revenue for the year of \$402,101.00.

Funeral levies for the year totalled \$364,800.00 with investment income of \$37,301.00. Interest received was affected by the falling interest rates, but as the levies have continued the fund balance continues to increase and should reach the required level of \$1 million within the coming year.

The Committee gives serious consideration to its responsibility in the administration of the Prearranged Funeral Services Compensation Fund and feels the fund has been of real service to Ontario citizens.



REPORT OF THE COMPLAINTS COMMITTEE

DR. STEPHEN SPEISMAN - CHAIR

The 1992 Complaints Committee was established as follows:

Dr. Stephen Speisman - Chair  
David Lester  
Andrew Doyle

The Complaints Committee met as necessary to review written complaints received by the Board regarding the conduct or actions of funeral directors.

Thirty five written complaints were referred to the Complaints Committee for resolution during the past year. In each case the Committee carefully reviewed the letter of complaint, the funeral director's response and the notes of the Board's investigator and gave serious consideration to the entire matter.

Decisions are pending on six complaints. In these cases the complaints were received in the latter part of the year and are still under investigation. Two of the complaints were deemed to be of a serious nature and were referred to the Discipline Committee for hearings. The funeral directors were charged respectively with excessive charging and with removing and embalming a body without proper authorization.

One of the complaints was a matter received by the Board in April, 1991. This matter was before the criminal courts until late 1992 and was consequently not brought to the Complaints Committee until late 1992.

Of the remaining complaints, five involved excessive charging. In three, adjustments were made to the invoices at the direction of the committee. In two cases the committee determined that no complaint was warranted.

Sixteen complaints involved unprofessional behaviour or comments from funeral directors. The allegations included unprofessional collection of accounts and misinforming clients. In two cases clients were given refunds at the direction of the committee. Three cases were resolved by letters of apology. In one case, the funeral director received an admonition from the committee. In the remaining cases the committee determined that action against the funeral director was not necessary. Two cases have been appealed to Commercial Registration Appeal Tribunal, (C.R.A.T.) by the complainants.

The committee received one complaint regarding unauthorized removal of a body from outside of the province. The committee determined



that no action should be taken against the funeral director. The complainant has appealed the decision to C.R.A.T.

A complaint was received in which the family of a deceased person detected an unpleasant odour from the body. The committee directed the funeral director to make a refund to the family for services which were not properly rendered.

The Committee received a complaint in which a funeral director was alleged to have assaulted the complainant. The Committee took no action against the funeral director as the assault took place outside of the establishment and was not related to the funeral director's ability to practise.

Two complaints were received from funeral directors regarding inappropriate advertising by funeral directors proposing to open new establishments. In both cases, the Committee determined that funeral directors can advertise proposed establishments provided the advertisements are not misleading. No action was taken against the funeral directors. As a result of these complaints, the Board is establishing policies for funeral directors wishing to advertise prior to opening a new establishment.

The Board attempts to make the public aware of the complaints process that is set out by the *Funeral Directors and Establishments Act*. This information is given out to the many members of the public who call the Board office throughout the year and through the Board's general information brochure.

The Board's brochure is available, at no charge, directly from the Board and from the licensed funeral homes throughout the province. As well, many public service agencies, self-help groups and schools stock the brochure.

As Chair, I wish to thank the other Committee members and the staff who have worked diligently in the cause of consumer protection.



REPORT OF THE DISCIPLINE COMMITTEE

GARY CARMICHAEL - CHAIR

The Discipline Committee reviewed 16 allegations of professional misconduct this past year, seven as a result of routine inspections, eight from investigations and one initiated by a consumer complaint. In cases where there was a finding of guilt, or a plea of guilty was entered, penalties ranged from fines up to \$5,000, suspension of the funeral director's license for up to one year, reprimands and publication in the local community of the circumstances of the respective charges. In addition, one of the hearings before the committee received wide-spread media attention.

When reviewing any matter before the Discipline Committee, the committee retains independent legal counsel in an advisory capacity. This ensures not only complete impartiality for committee members, but more important, a fair hearing for those funeral directors whose conduct is being examined.

For the 1992-93 year, the members of the Discipline Committee are as follows:

Barbara Beck  
Gary Carmichael  
Alex Munroe  
Douglas Porter



## REPORT OF THE LICENSING COMMITTEE

DAVID LESTER - CHAIR

During 1992 the Licensing Committee carried out its various regular responsibilities. The annual Professional Development Program was held at the Toronto Hilton International Hotel on April 15 and 16, with approximately two hundred and fifty funeral directors in attendance. A seminar format wherein the participants chose four of the eight seminars offered was used. The topics included: stress and addiction; embalming considerations; effective communication; facing personal losses; complaints and discipline; ethics and practice; cremation services; and universal precautions. In addition, the program opened with a plenary session dealing with adaptation to change. The program was well-received by the participants and a similar one is planned for April 7 & 8, 1993 at the Toronto Hilton International Hotel.

In June, 71 candidates wrote the Board Examination for the first time. Of these, 62 were successful and nine were unsuccessful. In addition, four candidates re-wrote the examination at this time. Of these, two were successful and two were unsuccessful. Re-writes were also held in December with 10 candidates trying. Nine of these were successful and one was unsuccessful.

At various times over the course of the year, three candidates wrote the inactive-active examination. This examination must be taken by those inactive funeral directors wishing to become active again after the absence from the profession of 10 years or more.

In 1992, the Licensing Committee was presented with the first draft of the long-awaited Transfer Service Operators Course by Humber College. This course is designed to be taken by those people wishing to become licensed as Transfer Service Operators who neither hold a funeral directors licence nor operated a transfer service prior to the *Funeral Directors and Establishments Act*, becoming law. This will be a correspondence course, which may be taken at any time throughout the year, all candidates will be required to write a final examination at Humber College. This examination will be held in June of each year. The course appears to be extremely well-designed and following consultation with the transfer service sector, will soon be ready for implementation.

The committee was made aware this year that a French language Funeral Service Education program is being developed for implementation at Cambrian College in Sudbury. The committee is aware that a mutually acceptable process for the administration of the licensing examination will have to be developed.



Members of the committee continued to sit on the Funeral Service Education Advisory Committee at Humber College. The Advisory Committee develops and monitors curriculum for the Funeral Service Education Program at Humber College and is currently in the process of implementing two new courses: the first is tentatively titled the Funeral Director in Society, and the second, as yet untitled, is a survey course of world religions.



## BOARD MEETINGS

The Board of Funeral Services and its Committees met for 24 days in 1992. In addition, Board business was transacted 6 times by conference call.

## PHYSICAL PLANT

The offices of the Board of Funeral Services are located at:

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There are four years remaining on a ten year lease.

